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8 IN THE UNITED STATES DISTRICT COURT FOR THE  
9 EASTERN DISTRICT OF CALIFORNIA

10 ) No. CR. S-97-381 FCD  
11 UNITED STATES OF AMERICA, )  
12 Plaintiff, ) STIPULATION AND ORDER DIRECTING  
13 v. ) PREPARATION OF UPDATED  
14 BRYAN JAMES EPIS, ) PRESENTENCE INVESTIGATION  
15 Defendant. ) REPORT AND SETTING RELATED  
16 ) DATES  
17 ) Date: August 1, 2005  
18 ) Time: 9:30 p.m.  
19 ) Court: Hon. Frank C. Damrell

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20 Whereas, the plaintiff United States of America and  
21 defendant Bryan James Epis believe that an updated Presentence  
22 Investigation Report ("PSR") would be helpful to both the Court  
23 and the parties in connection with the re-sentencing of Epis; and

24 Whereas, the parties desire an extended briefing schedule to  
25 allow for the adequate treatment of the legal and factual issues  
26 involved in re-sentencing Epis, and to accommodate the work  
27 schedules of the respective attorneys for the parties,

28 It is hereby stipulated and agreed by the parties, through  
their respective attorneys, with consultation with United States  
Probation Officer Dayna Ward and Courtroom Deputy Clerk Maureen  
Price, and subject to the approval of the Court that:

1. The presently set briefing schedule for the filing of memoranda related to the resentencing of Epis and the August 1, 2005, judgment and resentencing date be vacated;

2. The Court direct the United States Probation Office to prepare an updated PSR on Epis by August 29, 2005;

3. Any informal objections to the updated PSR shall be made by September 12, 2005;

4. The Probation Office shall provide to the Court and the parties its final updated PSR by September 19, 2005;

5. The parties shall file any sentencing memoranda and formal objections to the updated PSR by October 17, 2005;

6. The parties shall file any reply sentencing memoranda and responses to the opposing party's formal objections to the updated PSR by November 14, 2005; and

7. The Court shall hold a non-evidentiary status hearing on the resentencing of Epis on November 28, 2005, at 9:30 a.m.. In the event that the Court determines that an evidentiary hearing is necessary, an evidentiary hearing for a later date shall be set at that hearing. In the event that the Court determines that an evidentiary hearing is not necessary to properly resentence Epis, the Court shall proceed to judgment and resentencing at the November 28, 2005, hearing.

Dated: July 20, 2005

McGREGOR W. SCOTT  
United States Attorney

/s/ Samuel Wong

By:

SAMUEL WONG  
Assistant U.S. Attorney

1  
2 Dated: July 20, 2005

/s/ Brenda Grantland

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BRENDA GRANTLAND  
Attorney for defendant  
Bryan James Epis

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6  
7 ORDER

8 The Court having received, read, and considered the above  
9 stipulation of the parties, and good cause appearing therefrom,

10 The Court hereby adopts the stipulation of the parties in  
11 its entirety as its order.

12 It is so ORDERED.

13  
14 Dated: July 21, 2005

15 /s/ Frank C. Damrell Jr.

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FRANK C. DAMRELL JR.  
United States District Judge